

### **REMARKS**

The Office Action dated June 2, 2004, has been received and carefully noted. The above amendments and the following remarks are submitted as a full and complete response thereto.

By this amendment, claim 5 has been amended. No new matter has been added. The amendments to the claims do not narrow the scope of the claims. Claims 1-5 are pending and are respectfully submitted for consideration.

The Applicants wish to thank the Examiner for indicating allowable subject matter in claim 3. Claim 3 was not rewritten in independent form as it depends from claim 1, which is allowable for the reasons submitted below.

Claim 5 was objected to for a minor informality. The Applicants have amended claim 5 responsive to the objection and submit that all claims are in compliance with U.S. patent practice.

Claims 1, 2, 4 and 5 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Yonezawa (U.S. Patent No. 6,715,454 B2) in view of Watanabe et al. (U.S. Patent No. 4,684,351, "Watanabe"). The Applicants submit that Yonezawa is not a proper reference to apply against claims 1-5 of the present application.

Under the rules of U.S. patent practice, subject matter that was prior art under 35 U.S.C. § 102(e) and used in a rejection under 35 U.S.C. § 103, cannot be used if the subject matter of the reference and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person. Yonezawa was cited as prior art under § 102(e) and used in a rejection under § 103.

As evidence of common ownership, the Applicants provide the following statement:

The present application, U.S. Patent Application Serial Number 10/674,796 and U.S. Patent Number 6,715,454 B2, were, at the time the invention of U.S. Patent Application Serial Number 10/674,796 was made, commonly owned by Honda Motor Co., Ltd. of Tokyo, Japan (previously known as Honda Giken Kogyo Kabushiki Kaisha of Tokyo, Japan).

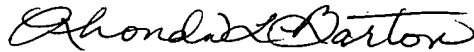
The Applicants respectfully submit that Yonezawa is properly disqualified from being used in a rejection under 35 U.S.C. § 103(a) against the claims of Patent Application Serial Number 10/674,796. As such, the rejection is rendered moot and should be withdrawn. Accordingly, the Applicants respectfully request allowance of claims 1-5 and the prompt issuance of a Notice of Allowability.

Should the Examiner believe anything further is desirable in order to place this application in better condition for allowance, the Examiner is requested to contact the undersigned at the telephone number listed below.

In the event this paper is not considered to be timely filed, the Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper,

may be charged to counsel's Deposit Account No. 01-2300, referencing Attorney Dkt.  
No. 107348-00372.

Respectfully submitted,



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